

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12410 OF 2019

Kiran Ramrao Kadam .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Pravin S. Dighe, Advocate for the Petitioner.
Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 to 5.
Mr. M. A. Kulkarni, Advocate for Respondent No. 6.

**WITH
CIVIL APPLICATION NO. 3728 OF 2023
IN
WRIT PETITION NO. 12410 OF 2019**

Sudhakar Govindrao Mane .. Applicant

Versus

Kiran Ramrao Kadam and others .. Respondents

Mr. M. A. Kulkarni, Advocate for the Applicant.
Mr. Pravin S. Dighe , Advocate for Respondent No. 1.
Mr. S. B. Pulkundwar, AGP for Respondent Nos. 2 to 6.

CORAM : KISHORE C. SANT, J.

DATED : 10th JULY, 2023.

P C. :-

. Heard learned advocates for the parties for some time.

2. The main grievance of the petitioner is against the impugned order dated 19.09.2019 passed by the Hon'ble Minister, Food, Civil

Supplies and Consumer Protection Department, State of Maharashtra in review application.

3. Learned advocate for the petitioner submits that the said Minister on earlier occasion had dismissed the revision filed by respondent No. 6 by order dated 08.05.2018. The respondent No. 6 after more than a year filed review application. The Hon'ble Minister has decided that review application as if it is a fresh revision application. In the review, there is no ground made out to entertain the review application and still the review was entertained and now fresh enquiry is directed. He submits that, in fact, entire material was available and was produced before the Hon'ble Minister when earlier order was passed and therefore he submits that the petition deserves to be allowed.

4. Learned advocate for respondent No. 6 submits that, the report submitted by the Tahsildar was submitted by suppressing certain material which was pointed out to the Hon'ble Minister in review application. She submits that, the statements on the basis of which the order of cancellation of fair price shop was passed are in fact, not the persons in whose name the cards are given and therefore, the Hon'ble Minister has considered the review application.

5. Learned A.G.P submits that, there is power of review vested with the Hon'ble Minister and therefore, the Hon'ble Minister has rightly exercised the jurisdiction.

6. Considering the submissions and considering the order this Court finds that, while preferring review application, no grounds were mentioned making out a case for review application. From the order passed by the Hon'ble Minister also it is not clear as to what exactly made him to entertain the review application. When review was entertained it was necessary for the Hon'ble Minister to satisfy as to on what ground he entertained the review application.

7. I find substance in arguments of learned advocate for the petitioner that the Hon'ble Minister should not have entertained the review at all.

8. Considering the above this Court finds that, it would be appropriate to remand the matter to the Hon'ble Minister with a request to consider the application again by keeping in mind the scope of review application. Hence, the following order is passed.

9. The writ petition is partly allowed.

10. The judgment and order dated 19.09.2019 is quashed and set aside. The Hon'ble Minister to consider the review application afresh by keeping in mind scope of review jurisdiction.

11. The Hon'ble Minister to dispose off the petition as expeditiously as possible and preferably within a period of six (06) months from today.

12. The writ petition is disposed off.

13. In view of disposal of writ petition, civil application also stands disposed off.

(KISHORE C. SANT, J.)

PS.B.